

REMARKS

Claim Rejections

Claims 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horowitz (U.S. 2002/0097586) in view of Ishinaga (U.S. 6,753,653).

Claim Amendments

By this Amendment, Applicant has amended claim 6 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The light-emitting repository method of the improved light bulb structure uses light rays emitted by a plurality of light emitting devices, and the elevation of the light reflecting plate in the base of the light bulb rectifies angles of direct light rays emitted by the light emitting repository, moreover, the configuration simultaneously uses an inclined surface of the light reflecting plate to control light rays emitted at an angle greater than the direct light angle, thereby achieving uniform distributed light rays which improves illumination brightness and degree of uniformity.

However, the light emitting repository that effects the circular overlapping emergent light method is produced by means of the plurality of light emitting devices and the light reflecting plate, which differs from the US patent which uses a semicircular emergent light method produced by means of a center line. The circular overlapping emergent light method has a light collecting surface of single-point light sources, whereas the US patent uses a method whereby a center line defines a plane symmetrical complementary configuration that achieves a halo phenomenon of partially combined light sources. Hence the technical devices achieved by the present invention differ from the US patent.

Furthermore, the following drawings and a comparative description contrasts the differences between the circular overlapping emergent light method and the semicircular emergent light method. The circular overlapping light emergent method uses the light collecting surface of single-point light sources produced by the light

emitting repository, and simultaneously uses the elevation of the light reflecting plate to rectify angles of direct light rays emitted by the light emitting repository, and further uses the inclined surface of the light reflecting plate to control the light rays emitted at an angle greater than the direct light angle, which is different from the US patent that uses the center line plane symmetrical complementary method, and achieves a halo phenomenon of partially combined light sources. Hence, the US patent has the shortcoming of being unable to uniformly distribute light rays to improve illumination brightness.

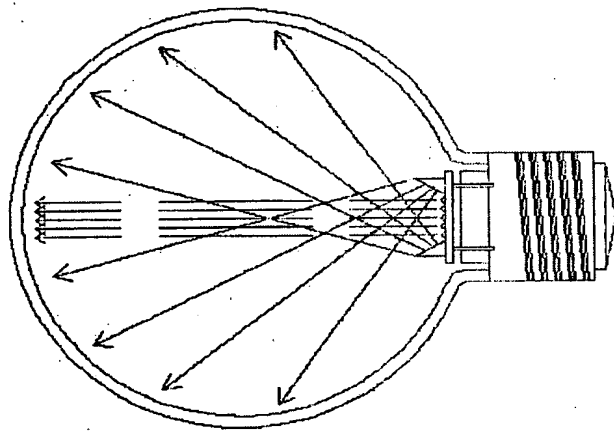


FIG. 1

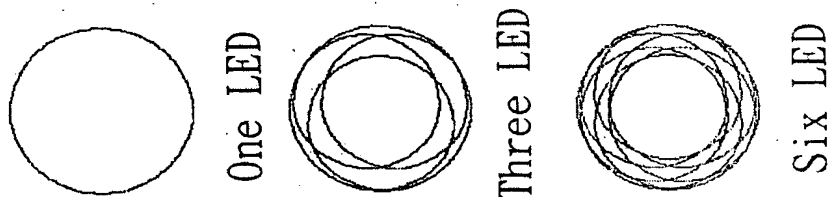


FIG. 1-1

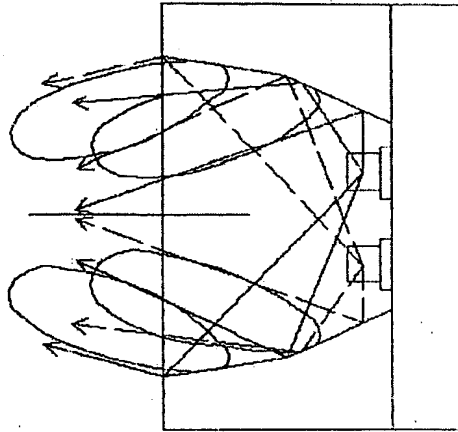


FIG. 2

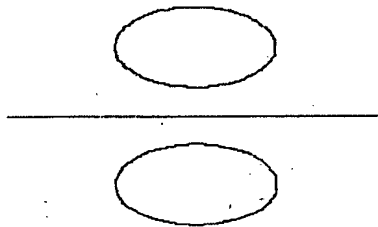


FIG. 2-2

The primary reference to Horowitz teaches a plurality of LEDs (110) located on a circuit board (122), and a left housing (104) connected to a right housing (102).

On page 3 of the outstanding Office Action, the Examiner admits that:

Horowitz does not disclose a light reflecting plate located on the circuit board around the plurality of light sources of the light emitting repository and having an interior surface inclining outwardly a predetermined angle and having a predetermined height.

Horowitz does not teach the interior surface has a linear cross-section extending from a top to a bottom of the light emitting repository.

The secondary reference to Ishinaga teaches a reflector (6) having an inner surface with a first slanted portion (6x) joining a second slanted portion (6y) at a point (Q).

Ishinaga does not teach the interior surface has a linear cross-section extending from a top to a bottom of the light emitting repository.

Even if the teachings of Horowitz and Ishinaga were combined, as suggested by the Examiner, the resultant combination does not suggest: the interior surface has a linear cross-section extending from a top to a bottom of the light emitting repository.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Horowitz or Ishinaga that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Horowitz nor Ishinaga disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

Summary

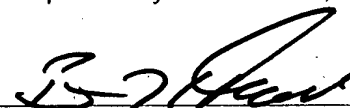
In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: May 1, 2006

By: _____


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